

UNITED STATES DISTRICT COURT

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for

Dec 20, 2024

Eastern District of Washington

SEAN F. McAVOY, CLERK

U.S.A. vs. Zack, Andrew Norris Docket No. 0980 1:23CR02037-SAB-7

Petition for Action on Conditions of Pretrial Release

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Andrew Norris Zack, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Alexander C. Ekstrom, sitting in the court at Yakima, Washington, on the 21st day of July 2023, under the following conditions:

Standard Condition #8: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 20, 2023, and August 4, 2023, conditions of pretrial release supervision were reviewed verbally with Mr. Zack. Per the District of Oregon, during both reviews of the conditions, he acknowledged an understanding.

Violation #1: Mr. Zack is in violation of his pretrial release by consuming methamphetamine on or about December 16, 2024.

On December 19, 2024, this officer received an email from the supervising probation officer in the District of Oregon, stating the following: " I conducted an unannounced home contact at Mr. Zack's home yesterday (December 18, 2024). During the visit I collected a drug test which was presumptive positive for Buprenorphine, Amphetamine and Methamphetamine. I was able to verify his prescription for Suboxone (Buprenorphine) and confronted him about the positive methamphetamine results. Mr. Zack admitted to snorting one line of methamphetamine at his residence on December 16, 2024. He reports the controlled substance was brought to the house by some people that were helping clean fish at the home."

PRAYING THE COURT WILL ORDER A SUMMONS

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: 12/19/2024

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer

Re: Zack, Andrew Norris**December 19, 2024****Page 2**

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

12/20/2024

Date

VIOLATION REPORT – REQUEST FOR A SUMMONS

District/Office Eastern District of Washington/Yakima	Charge(s) (Title, Section, and Description) <u>Count 1:</u> 18 U.S.C. § 3 - Accessory After the Fact
Judicial Officer The Honorable Alexander C. Ekstrom U.S. Magistrate Judge	RECEIVED Dec 20, 2024 CLERK, U.S. DISTRICT COURT
Docket Number (Year – Sequence No. – Def. No.) 1:23CR02037-SAB-7	

DEFENDANT

Name Andrew Norris Zack	Address 32 Southwest Ruckel Road Cascade Locks, OR 97014
----------------------------	--

Your Honor,

On July 21, 2023, Mr. Zack was released from custody onto pretrial supervision to the District of Oregon, with conditions. His release conditions include abstaining from controlled substances.

On July 11, 2024, Mr. Zack appeared before Your Honor for a violation hearing surrounding Global Positioning Satellite (GPS) noncompliance (ECF No. 241). Mr. Zack was granted continued release and returned to the District of Oregon.

Sentencing is scheduled for March 25, 2025.

COMPLIANCE WITH SUPERVISION CONDITIONS:

On December 19, 2024, this officer received the following email from Mr. Zack's probation officer in the District of Oregon: "I conducted an unannounced home contact at Mr. Zack's home yesterday (December 18, 2024). During the visit I collected a drug test which was presumptive positive for Buprenorphine, Amphetamine and Methamphetamine. I was able to verify his prescription for Suboxone (Buprenorphine) and confronted him about the positive methamphetamine results. Mr. Zack admitted to snorting one line of methamphetamine at his residence on December 16, 2024. He reports the controlled substance was brought to the house by some people that were helping clean fish at the home. No other violations were observed during the visit. Of note, the defendant was honest about his relapse. Separately, the defendant's brother was recently convicted of a fishing violation, and I have attached the related docket. While the docket reports a sentence of 18 months bench probation, the defendant has advised his brother will do 30 days in jail beginning January 4, 2025. During my home visit, the defendant also reported his sister-in-law has been using marijuana at the home."

Although Mr. Zack is not responsible for the actions of his brother and sister-in-law; the above-noted information is relevant surrounding reassessing Mr. Zack's current release plan.

According to the supervising probation officer in the District of Oregon, home visits are conducted every 30 days and random drug testing is collected once a month during the home visits. Mr. Zack's listed residence is 45 minutes away from the probation office. He is engaged in treatment via telehealth. Per the supervising officer, Mr. Zack's treatment provider through the Yakama Nation has been unresponsive regarding sending him or Mr. Zack's assigned counsel treatment documents to confirm if he is complying. As of the submission of this report, his status or compliance in treatment is unknown.

DEFENDANT CHARACTERISTICS:

Mr. Zack was born in Puyallup, Washington. Both of his parents are deceased. Mr. Zack resides in the District of Oregon, with his brother and his brother's family. Mr. Zack has three children who reside with their mother in Wapato, Washington. Mr. Zack is unemployed. He receives \$130 monthly in per capita monies.

RECOMMENDATION:

Based upon the above-listed information, this officer respectfully recommends the Court issue a summons requiring Mr. Zack to appear to answer to the allegations in the attached petition.

Pretrial Services Officer	Date	
s/Linda J. Leavitt	12/19/2024	
Linda J. Leavitt, U.S. Probation Officer		
Reviewed By		
s/SanJuanita B. Coronado		
SanJuanita B. Coronado, Supervisory U.S. Probation Officer		